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Attorneys for Defendant
 BAY AREA RAPID TRANSIT DISTRICT

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

JEROME L. GRIMES,

Plaintiff,

v.

(BART) BAY AREA RAPID TRANSIT,
 (Transportation) (Non-Police Agency); VIVENCIO
 GONZAGA (AKA: Vincent Flores) (BART Janitor
 07/09/03 Civilian Employee); KEN "KENNETH"
 DAM (Community Service Assistant, for, BART)
 (07/09/03 Civilian Employee); BRUCE TURNER
 (BART RUN # 225, 07/09/03, 1819 hrs. (1806 hrs.),
 (07/09/03 Civilian Employee) (Terrorist Benjamin
 Arnold Turner's Foster Relative/Co-Conspirator
 07/12/86 Co-Child Abduction,

Defendants.

Case No. C 07 80138-MISC. CW

REQUEST FOR JUDICIAL
 NOTICE IN SUPPORT OF
 MOTION TO DISMISS ACTION
 BASED ON FAILURE TO STATE
 A CLAIM UNDER FRCP RULE
 12(b)(6); OR IN THE
 ALTERNATIVE FOR ORDER
 REQUIRING PLAINTIFF TO
 PROVIDE A MORE DEFINITE
 STATEMENT (FRCP RULE 12(e);
 AND TO STRIKE PUNITIVE
 DAMAGES UNDER FRCP RULE
 12(f))

Date: August 7, 2007

Time: 2:00 p.m.

CtRm 2, 4th Floor

Defendant Bay Area Rapid Transit District ("BARTD") hereby request that pursuant to Federal Rule of Evidence 201, this Court take judicial notice in the above entitled case of the following matters and documents of public record:

1. All pleadings including but not limited to, plaintiff Jerome Grimes' complaint filed on November 5, 2004, and any and all papers in support of dispositive motions filed therein, in *Grimes v. Bay Area Rapid Transit District Police Department et al.*, Northern District Case No. C 04-4691 EDL. A copy of the complaint in Case No. C 04-4691 EDL. is attached hereto as Exhibit "A."

2. Any and all pleadings filed in the instant action (*Grimes v. Bay Area Rapid Transit et al.*, C 07 80138-MISC. CW), including but not limited to plaintiff Jerome Grimes' complaint filed on May 30, 2007. A copy of the complaint is attached hereto as Exhibit "B."

3. Any and all pleadings filed in *Grimes v. BART*, Case No. 05-16839, in United States Court of Appeals for the Ninth Circuit. A copy of the 9th Circuit's judgment, accompanying memorandum and denial of petition for rehearing of plaintiff's appeal is attached hereto as Exhibit "C."

4. Any and all public records, rulings and or legislative enactments confirming and establishing that BARTD is a public entity.

Dated: June 18, 2007.

LOW, BALL & LYNCH

By /s/ Dale L. Allen, Jr.
DALE L. ALLEN, JR.
JOSHUA M. BRYAN
Attorneys for Defendant
BAY AREA RAPID TRANSIT DISTRICT

EXHIBIT A

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

NOV 5 2004

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
CIVIL NO.

Jerome L. Grimes,

Plaintiff,

v.

1. (BART) Bay Area Rapid Transit Police Department, et., al.,
(Off. Ken Dam #J-214)
Defendants.Under U.S.C. 28,
Due Process Clause-
VIOLATION- Of The
Fourteenth Amendment
Rights, U.S. Constitu-
tion: "Right To The
Preservation Of ~~Exonerating~~
Exonerating/Exculpator
Evidence.", Willful
Misconduct, FRAME-UP,
Conspiracy, Penal Code
136.1(b), and,
Covert Terrorism.**EDL**
C 04 - 4691

I. Jurisdiction

This civil complaint is made under the jurisdiction of, U.S.C. 28, Violation of Due Process Rights, Fourteenth Amendment Rights, U.S. Constitution, "Right To The Preservation Of Exonerating/Exculpatory Evidence, i.e., Richmond Bound BART Trains Cars: RUN#:225 July 09, 2003, 1819 hours scheduled arrival(ACTUAL ARRIVAL 1806 HOURS) at the, FREMONT BART STATION'S Train's Platform, Fremont, California 94538";VIDEO SURVEILLANCE TAPES (MULTIPLE VIDEOS), Onboard, the, Interior, of this said, BART Train RUN#: 225, July 09, 2003, 1819 hrs. Willful Misconduct: Intentional Premeditated Refusal To Produce This EXONERATING Evidentiary Materials: MULTIPLE, Video Surveillance Tapes, FRAME-UP: Arrest For Grand Theft Bicycle - Plaintiff Imprisoned For MORE THAN 72 Hours, Conspiracy; To False Imprison, Etc., Penal Code 136.1(b): Dissuading/Interfering With The Plaintiff's Attemp To Report Co-Conspirator: ACTUAL Grand Theft Bicycle Perpetrator, Chardel Malone, PFN: APK014, CDC#: H-59892, and, Covert Terrorism.

II. Plaintiff

The plaintiff resides at, 263 Vernon Street, San Francisco,

1 California 94132.

2 III. Defendants

3 The defendants are, State Actors, doing business in, Northern
4 California, at the, Bay Area Rapid Transit (BART) TRANSPORTATION
5 Police Department, 800 Madison Street, and, 205 Alice Street, Both,
6 in, Oakland, California 94607, who employed, State Actor, Ken Dam,
7 BART Badge Number: J-214, who willful, intentionally, and, maliciously
8 hid the, BART Train's Cars' RUN#:225, July 09, 2003, 1819 Hours, the
9 most important information necessary to ascertain the whereabouts of
10 a specific BART Train's, Destination, Time, as well as, Any, and, ALL,
11 ONBOARD, Video Surveillance Tapes Evidences.

12 IV. Causes Of Action

13 On, July 09, 2003, the plaintiff, was, (FALSE) Arrested, Onboard,
14 Richmond Bound BART Train's Cars, RUN#: 225, July 09, 2003, 1819 Hours
15 (1806 Hours), at the, Fremont BART Station's Train's Platform, in,
16 Fremont, California 94538. SEE: BART Police Report Number: 03-30211,
17 And, Fremont Police Report Number: 030709072, Incident Date: 07/09/03

18 Plaintiff, Verbally, Charged The Police Authorities, With The,
19 FACT, that, He,(the plaintiff), was, Innocent, and that, ALL, of the,
20 ONBOARD, Video Surveillance Tapes, on, BART Train's Cars, RUN#: 225,
21 July 09, 2003, 1819 Hours(1806Hours). This, Verbal, Charging Of
22 Knowledge, was given to the, Police Authorities, (1) ONE, Hour, after,
23 the, (FALSE) Arrest, ALLEGED, Misidentification Of The Plaintiff, as
24 the, Grand Theft Bicycle Perpetrator. At, 1935 Hours, on, July 09, 2003
25 this above mentioned, Verbal, Charging Of Knowledge, was, Audio-
26 Cassette Tape Recorded, by, Reporting Officer, Amy Boyd #2906, which
27 left, (71) SEVENTY-ONE, Hours, for the, Police Authorities, to,
28 Retrieve, the, FUNCTIONING, Onboard, BART Train's, Video Surveillance

1. Tapes, to, EXONERATING, the, Plaintiff, Jerome L. Grimes, who, was,
2. ONBOARD, the, Richmond Bound BART Train's Cars, RUN#:225, July 09, 2003
3. 1819 Hours(1806 Hours ACTUAL, Arrival Time), at the, EXACT-SAME TIME,
4. as the, Grand Theft Bicycle Crime, was, OCCURRING, at a , Performance
5. Bicycle Stores, located at, 39121 Fremont Hub, Fremont, California
6. 94538, COMMITTED BY: Chardel Malone, PFN: APK014, CDC#: H-59892,
7. who later abandoned the, Stolen, Bicycle, Onboard, the above mentioned,
8. BART Train's Cars, RUN#: 225, July 09, 2003, 1819 Hours(1806 Hours),
9. COINCIDENTALLY, still located at the, Fremont BART Station's Train's
10. Platform, after an, Unusual Delay, which allowed the plaintiff enough
11. time to walk the, ENTIRE LENGTH, of this said BART Train, from it's,
12. Front First Car, to it's, Last Rear Car(Train Car), which is, why,
13. EACH, and, EVERY, Onboard, Interior, Bart Train's Cars, RUN#: 225,
14. July 09, 2003, 1819 Hours(1806 Hours), VIDEO SURVEILLANCE TAPES,
15. Contained The, EXONERATING/EXCULPATORY, Video Footage Evidence, FOR,
16. The Plaintiff, which, Unfortunately, was hidden, and/or, failed to
17. be produced, by the, Police Authorities: BART Police Officer, Ken Dam,
18. Badge Number: J-214, who, also, Intentionally Concealed,,the, BART
19. Train's Cars' RUN#, which, was LATER REVEALED TO BE: 225, and, NOT,
20. the, ERRONEOUS NUMBER: 1275, because, BART, Do Not, have, four digit
21. RUN(#'s) Numbers.

22. SEE: Admonition And Statement Audio Recorded, by, Reporting Officer,
23. Amy Boyd, Badge Number: 2906, July 09, 2003, 1935 Hours, at the,
24. Fremont Police Department, 2000 Stevensons Boulevard, Fremont,
25. California 94538., Incident Report Number: 030709072.

26. CHARGING OF KNOWLEDGE: OF: EXONERATING EVIDENCE: ALL,
27. Onboard, Interior, BART Train's Cars' Video Surveillance
28. Tapes,(RUN#: 225, July 09, 2003, 1819 Hours(1806 Hours).

1 This, Failure To Produce, and/or, Willfully Hidding, Of, said,
 2 BART Train's Cars' Video Surveillance Tapes, (RUN#: 225, July 09, 2003,
 3 1819 Hours(1806 Hours), is a, Clear, violation, of the plaintiff's,
 4 Due Process Clause, Rights, guaranteed, by the, Fourteenth Amendment
 5 Rights, of the, U.S. Constitution, "Right To The Preservation, and,
 6 Production Of Exculpatory/Exonerating Evidences.", which, were, DENIED,
 7 the plaintiff, by the defendants, i.e., BART Employee, BART Police
 8 Officer, Ken Dam, Badge Number: J-214, Holding, His, Employer, BART,
 9 Bay Area Rapid Transit Police Department, Liable, for, His, Wreckless
 10 Actions, while a, State Actor.

11 V. Previous Lawsuits

- 12 1. Jerome L. Grimes v. BART Police Officer, Ken Dam, #: J-214, et., a
 13 U.S. District Court, Northern District Of California
Civil Complaint No. C03-5457CW

14 VI. Remedy Exhausted

15 The plaintiff was, Continuously False Imprisoned, for, MORE THAN,
 16 (72) Seventy Two, Hours, and, also, DENIED, His, U.S. Constitutional
 17 Rights, to, Due Process, "Right To The Preservation And Production
 18 Of Exculpatory/Exonerating Evidences, i.e., BART Video Surveillance
 19 Tapes, ONBOARD, Richmond Bound BART Train's Cars, RUN#: 225, ..
 20 July 09, 2003, 1819 Hours(1806 Hours). And, In The Furtherance Of
 21 Justice, the, False, Grand Theft Bicycle Case, Docket #: H34486,
 22 Superior Court Of California, Hayward, Hall Of Justice, was, DISMISSED,
 23 on, August 16, 2004, MORE THAN, (1) One Year Of Imprisonment, Unjustly,
 24 Over The, (72) Seventy Two, Hours-Limit, established, by the,
 25 U.S. Constitution.

26 VII. Relief Requested

27 An injunction preventing the, Due Process Rights, Violator,
 28 Ken Dam #: J-214, from, EVER, working in, Law Enforcement, Transporta-

tion Industry, and, Medical Health Care Profession.

A, Court Order, demanding the, Due Process Rights, Violator, Ken Dam #: J-214, to be, Lie Detector Tested, as an, Anti-Terrorism Measure, to ascertain, His, invilvement in a, Conspiracy, against the plaintiff.

And a, Monetary Units Award, to be, Granted, to the plaintiff as a detterrent, to the defendants(and), Due Process Violator, Ken Dam #: J-214, from continuing their, Conspiracy, Willful Misconduct, and, FRAME-UPS, against the plaintiff, the plaintiff's, Families, and other Citizens, and, Tourists.

Punitive Damages: \$77,000,000.00 (Seventy Seven Million Dollars)
Damages:

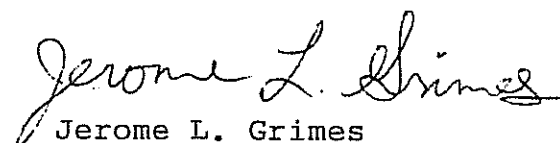
\$1,713,000.00, includes, but not limited to, Capital Gains/
Self-Employment Wages, LOST, per day, at: \$3,000.00 (Three Thousand Dollars) Per Day, for a total of: 403 Days (Four Hundred And Three Days), Continuosly False Incarcerated, at a time the, Plaintiff, Jerome L. Grimes, would have been, Prospectively, EARNING, \$3,000.00 Per Day, on, His, Plaintiff's, INTERNET WEB-SITE BUSINESS: Small Business Start-Up Video, SELLS, while continuing to live his life, while exercising, His, Plaintiff, Jerome L. Grimes', "Right To The Pursuit Of (International) Happiness on the, World-Wide Web, as an. Videographer, producing, retail and wholesale selling, and advertising/marketing, Self-Produced, Small Business Start-Up Video Productions.

\$1,713,000.00 (One Million Seven Hundred And Thirteen -
Thousand Dollars);
which includes, \$250.00 (Two Hundred And Fifty Dollars) Per Hour, for, In Pro Per-Attorney-Labor Fees: (12) Twelve Hours

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11 Per Day, (6) Six Days Per Week, For A Total Of (38) Thirty-
12 Eight Weeks, Equalling: \$504,000.00 (Five Hundred And Four
Thousand Dollars).

13 And in the, Due Process Clause, Violator, BART Police Officer,
14 Ken Dam #: J-214, individual capacity: \$1,200,000.00 (One Million
15 Two Hundred Thousand Dollars).

16
17
18
19
20 Dated: October 22, 2004



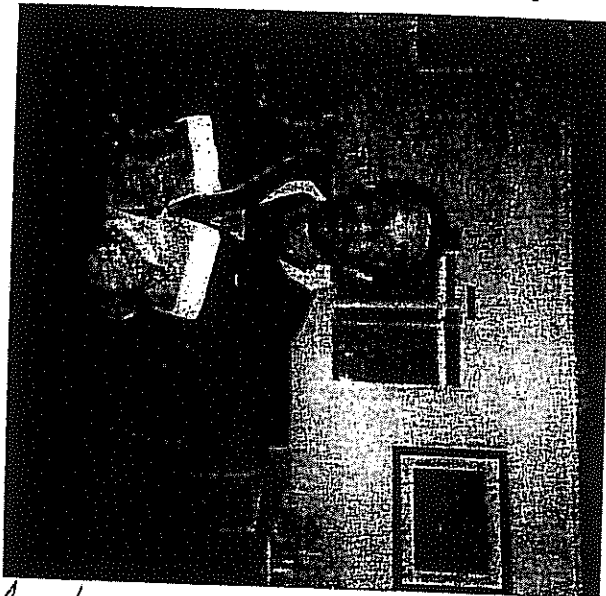
Jerome L. Grimes
In Pro Per, Plaintiff

21 And,
22 Director, of,
23 Futuristic Safety First,
24 "Children Safety and Welfare Program"
25
26
27
28

People of the State of California,
Plaintiffs,
v.
Jerome L. Grimes,
Defendant.

Docket No.
H39486
Declaration In
Support of
Non-Statutory
Motion To Dismiss.

JEROME L. GRIMES
07-09-03



I declare, as follows:

1. My name is, JEROME L. GRIMES.
2. I am, In the PC, Defense Counsel.
3. This photo was taken approximately, (2) two hours before the, Alleged, herein, Crime, of Grand Theft, on July 09, 2003.
4. The clothing worn in this photo is exactly what I was wearing during the, Misidentification, and, Arrest, of, ME, on, July 09, 2003.
5. This clothing worn in this photo and at the time of, Arrest, do, NOT, match the description of the suspect, described, by the, Alleged, Victim, Shane Overton, D.O.B. 12/2/72 (Illegal D.O.B.), S.S.N. Name, Etc., according to the, "911 Record Print-Out, and, Audio Tape: 03070907, Fremont Police Incident Report, and, July 22, 2003, Preliminary Hearing - Court Reporter Transcript, Page 19, lines 11-18.

Aladdin
BAIL BONDS

WE GET YOU OUT, WE GET YOU THROUGH IT.
25 E. Hedding Street • San Jose, CA 95112

Dated: June 03, 2004
(1 of 1) Plus, (1) One, Attached, Exhibit, B. Initials, Defendant, Jerome L. Grimes
ALL-1-1-1 #1

J-401 (REV 5/01)

RENE DAVIDSON COURTHOUSE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
CLERKS DOCKET AND MINUTES

DOCKET
1. NAME _____ DEPT. 515 CRT. DATE/TIME 4/30/04 09:00

EVENT
2. NAME GRIMES, JEROME LENARD RPT. NO. 030709072 DOCK NO. H34486

PROC. 4 CEN. 3267378 PFN. AWP415A DAY 07/09/03 SJ DATE 11/08/04
COUNTS PIC 00500 AAG-EPD ACITY FR

4. CHARGES 1)F437(A) PC 2 PRS

STAT SET BAIL \$65,000.00 TOTAL DAYS IN CUSTODY: 295

5. BAIL _____ STAT. _____ BOND DT. _____ BOND CO. _____ DOB 05/23/66

BAIL _____ STAT. _____ BOND DT. _____ BOND CO. _____ BAC _____

6. FINE/REST. _____ DATE PAID _____ REC. NO. SOUTH 1 TIME WAIVED TW

PROCEEDING

7. JUDGE JOY HARRINGTON GARY ALLEN DEED: Quinton

8. DEP. CLERK MICHELLE SOUZA KOMATSU DEP. D.A. _____

9. REPORTER J. ESCOBEDO/M. FERREIRA Zebeda DEF. ATTY. PRO PER OTHERS _____ ☐ Not Present

Defendant: ☒ Present ☐ Not Present ☐ Excused ☐ In Custody ☐ Pro Per

☐ Interpreter _____ is present. Language spoken: _____

☐ Defendant duly arraigned/advised as to constitutional rights ☐ Defendant waives arraignment ☐ Waiver of Rights filed

☐ Defendant served: ☐ Complaint ☐ Discovery ☐ Petition ☐ Motion ☐ Protective Order (PC 136.2)

☐ Referred to Public Defender ☐ Public Defender files conflict ☐ Financially ineligible ☐ Private counsel appointed

☐ Plea Withdrawn ☐ Change of Plea ☐ Plea to count(s) _____ ☐ Not Guilty ☐ Guilty ☐ No Contest/Found Guilty

☐ Stipulates to: lesser included / reasonably related offense of count(s) _____ to charge(s) _____

☐ Time waived for: ☐ Preliminary Examination _____ days ☐ Trial ☐ Sentence ☐ Time not waived ☐ Time waiver withdrawn

☐ Clauses: ☐ Stricken ☐ Admitted ☐ Sentencing Purposes Only

☐ Priors: ☐ Stricken ☐ Admitted ☐ Denied

☐ Probation: ☐ Conditional Sentence: ☐ Granted for _____ years/months ☐ See attached conditions

☐ ☐ Revoked ☐ Restored ☐ Modified ☐ Extended to _____ ☐ Continue on same terms and conditions ☐ Terminated

☐ Defendant admits probation violation ☐ Previous order revoking probation vacated, set aside, defendant restored to probation

☐ Submit to search and seizure of person, residence, vehicle or any property under defendant's control _____

☐ No contact with / not to annoy _____, directly or indirectly: stay at least _____ away

☐ Additional order(s): _____

☐ Petition/Motion _____ ☐ Granted ☐ Denied ☐ Withdrawn

☐ Referred to: ☐ Probation Dept. ☐ Financial Hearing Officer ☐ _____

Restitution: ☐ Referred to _____ for Determination ☐ Ordered ☐ Reserved ☐ Modified

☐ Bail Forfeited ☐ Bail Forfeiture Set Aside ☐ Bail Reinstated ☐ Bail Exonerated ☐ Summary Judgment Entered

☐ Bench Warrant: ☐ Issued ☐ Withheld ☐ Withdrawn ☐ Bail Set at \$ _____ ☐ No Cite Release ☐ Night Serv

2X

Audio cassette & 911 tape by May 12

FUTURE COURT DATES: 5/19/04 JT

Cont. Date: 5/12/04 Time: 9:00 Dept: 502 Proc: Temple Date: 6/14/04 Time: 9:15 Dept: 513 Proc.: JT

CORPUS Codes: _____

DOCKET

NAME: GRIMES, JEROME LENARDCT. DATE: 4/30/04 DOCK NO. H34486

08/12/03 14:14:30 PRINTED BY TERMINAL PDD2

Incident History for: #P0307520 Xref: #P03075521

Case Numbers: SP030709072

Entered 07/09/03 18:25:36 BY PD03 2082
 Dispatched 07/09/03 18:26:02 BY PDD1 2012
 Enroute 07/09/03 18:26:16
 Onscene 07/09/03 18:27:19
 Closed 07/09/03 20:16:35

I HEREBY CERTIFY THAT THIS DOCUMENT
 IS A TRUE AND CORRECT COPY OF A
 DOCUMENT IN THE FILES OF THE CITY OF
 FREMONT POLICE DEPARTMENT.

Chloe 2171 8/16/03
 Name # Date

Initial Type: 911DC Initial Alarm Level: Final Alarm Level:

Final Type: 487 (GRAND THEFT) Pri: 1 Dispo: RPT

Police Block: 46 Fire Block: 88D4 Group: P1 Src: 9

Loc: 39121 FREMONT BL ,FRE btwn MOWRY AV & BEACON AV

Name: Addr: PERFORMANCE BICYCLES Phone: 494-1466

1825 (2082) ENTRY NO FURTHER INFORMATION

1826 (2012) DISP 101 #2906 BOYD, AMY

1826 ASST 109 #2405 OKULOVE, LORIE

1826 (2906) *ENROUT 101

1826 (2012) ASST 103 #2794 MCCORMICK, PAUL

1826 (2794) *ENROUT 103

1827 (2012) ONSCNE 101

1827 (2177) SUPP

TXT: 487...SUSP BMA 35-40 600/MED WEARING BLK WINTER

*R PARKA WITH A HOOD AND DK BLU JEANS. DOF TWD MOWRY

1828 SUPP

TXT: BIKE IS A BLU/SIL K2 MOUNTAIN BIKE

1828 (2012) ASST 2011 #2793 MOURGOS, PAUL

1828 MISC 101 ,UTL FRE/MOWRY

1829 (2082) ENROUT 109

1829 (2012) ASSTOS 205 [LOGAN / MOWRY]
 #3396 BRANNON, SEAN

1829 CHGLOC 2011 [BART]

1829 \$CROSS #P03075521

1829 DUP #P03075521

1829 CHANGE TYP: 911DC

--> 487

1831 NEWLOC 103 [S/S HUB]

1832 ONSCNE 2011

1833 MISC 2011 ,HAVE A POSS

1833 MISC 2011 ,ON THE TRAIN

1834 MISC 2011 ,OFF W/POSS

1834 NEWLOC 103 [PREF BIKE]

1834 MISC 101 ,HAVE ONE WIT

1834 CHGLOC 109 [BART]

1836 (2177) MISC ,ADVISED BART..THEY ARE HOLDING THE TRAINS

1838 (2405) *ONSCNE 109

1838 (2012) CHGLOC 103 [BART, W/WIT]

1838 MISC 2011 ,11-98 ON THE E-SIDE FOR IN FIELD

1839 (****) REMINQ 2011 WANT, 2011, GRIMES, JEROME, ,M, 05231966, , , , , , , , , , , 11JO70

1843 (3396) CLEAR 205

1843 (2794) *ONSCNE 103

1843 (2012) ASSTOS S35 [BART]

#2436 O'CONNELL, DANIEL

1845 ASNCAS 101 SP030709072

1849 MISC 103 ,10-15 POSS ID

1854 (2436) CLEAR S35

1859 (2012) NEWLOC 103 [39121 FREMONT BL ,FRE]

1859 MISC 103 ,W/WIT & BIKE

1900 15 2011 [JAIL]

1901 (2405) CLEAR 109

1904 (2794) *ONSCNE 103

1905 (2012) TRANSC 2011

1915 (2082) CHGLOC 101 [JAIL]

2011/08/16/03 #2

* -19-

H39486

- 1 A I know it was a form of a ball cap.
- 2 Q What color was the cap?
- 3 A I cannot recall.
- 4 Q Blue pants, were they?
- 5 A Blue or dark in color.
- 6 Q Pardon me?
- 7 A Blue or dark in color.
- 8 Q Could you see if they were Levis or some
- 9 other material?
- 10 A No, sir.
- 11 Q The blue parka, did it have any color, any
- 12 lines in it, or was it solid?
- 13 A By lines, as in colored lines?
- 14 Q Was there vertical lines or horizontal lines
- 15 of a different color?
- 16 A No.
- 17 Q So it was a solid blue parka?
- 18 A Yes.
- 19 Q Did you get an opportunity to look at that
- 20 person's face?
- 21 A Yes.
- 22 Q What part of that person's face did you see,
- 23 the whole face or profile?
- 24 A I saw a profile and I saw the full face in
- 25 the reflection upon the pursuit.
- 26 Q Okay.
- 27 But in terms of the that person's face, was he
- 28 wearing any glasses?

Huddins Tail Bonds
See Polaroid photo

Thick Large Cat Parka Blue in Color
B.I.D. line 21

Solid blue in Color

Attachment #4

102-753 5M 7/61 (new)

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

DEPT. 515

Date: Sent. 12. 2003

Hon.

ROY HASHIMOTO . Judge

Michelle Souza . Deputy Clerk

. Deputy Sheriff

Jovita Escorcio #10910 . Reporter

THE PEOPLE OF THE STATE OF CALIFORNIA

Counsel appearing
for Plaintiff

Plaintiff

Amilcar Ford, Deputy District Attorney

vs.

Counsel appearing
for Defendant

JEROME LENARD GRIMES

Defendant Pro Per

NATURE OF
PROCEEDINGS:MOTION TO PRESERVE SURVEILLANCE TAPES /
MOTION FOR COPY OF PRELIMINARY TRANSCRIPT /
MOTION FOR COPY OF AUDIO TAPED INTERVIEW /
MOTION TO DISMISS / MOTION FOR AN
APPOINTMENT OF INVESTIGATOR / MOTION FOR
COURT PROCESS SERVER/RUNNER / MOTION FOR
AN AUDIO CASSETTE PLAYER / MOTION FOR COPY
OF DEFENSE SUBPOENA AND PROOF OF SERVICEACTION NO. H-34486
AWP416
3267378

The above entitled action comes on calendar, having been regularly set, for several motions.

Court, counsel and defendant are present in open court on the record.

* Court grants defendant's Motion to Preserve Surveillance Tapes, Motion for Copy of Audio Taped Interview and Motion for Audio Cassette Player. The People provide a copy of audio taped interview to defendant.

Court denies defendant's Motion to Dismiss, Motion for an Appointment of Investigator and Motion for Court Process Server/Runner.

Defendant's Motion for Copy of Preliminary Transcript and Motion for Copy of Defense Subpoena and Proof of Service are moot.

Court orders defendant's Motion for a Video Cassette Player/Monitor be Provided at Motion to Dismiss Hearing, Motion for Copy of the Audio Taped Interview of the Prosecution's Witness Conducted by Fremont Police Officer Boyd, Motion for an Audio Cassette Player With an External Speaker be Provided at the Motion to Dismiss Hearing and Motion to have Defense Witnesses Present at the Motion to Dismiss Hearing are denied as being untimely filed.

Court maintains September 17, 2003 at 2:00 p.m. in Department #513 for Motion to Dismiss Pursuant to Section 995 of the Penal Code and September 22, 2003 at 9:15 a.m. in Department #513 for Jury Trial dates.

Attachment #6
111

People v. Jeron

1137436

Incident Report

Fremont Police Department

030709072

Supplement No
ORIG

Narrative

discontinued the interview at 1957 hrs.

I ran a records check (CII, CORPUS, wants/warrants) on GRIMES and found he had served time in prison for robbery, and had numerous incidents of burglary, theft and weapons charges. Most recently, GRIMES was arrested in Berkeley on 07/02/03 for a warrant for burglary with prior jail time - 459 PC/666 PC; and was arrested on a separate case in Mountain View on 07/06/03 for 459 PC/666 PC again.

I spoke to BART PD Ofc FOREHAND by telephone, and he confirmed the video was functioning at the time of the incident. He told me to call Community Service Assistant DAM at (510) 464-7048 to obtain the footage. I called CSA DAM and left a message on his voice mail requesting a copy of the tape. I will follow up on 07/10/03 to make arrangements to get the tape.

Based on the statements and actions of the involved parties, I believe GRIMES entered Performance Bicycles with the intent to steal a bike without making an attempt to pay for it. This is a violation of 459 PC - burglary. Because of GRIMES' previous jail time for theft, I recommend the prior-jail time enhancement - 666 PC

I recommend the District Attorney charge GRIMES with 459 PC/666 PC.

I will supplement this report with the findings regarding the surveillance video tape.

cc: DDA

995 Dismissal motion
GRIMES

Bike fingerprints not taken, destroyed
by "workness in the chain
of custody"

Attachment # 7
Defendant's - Exhibit # 2

PAGE 1 OF 1

Trial Court

People v. Jerome

Hayward, Hall of Justice

Docket No. H34456

Grimes PRE-Trial Court

OIA # F03-05077		INCIDENT REPORT BART POLICE DEPARTMENT OAKLAND, CALIFORNIA 94607				CASE # 03-30211		CITATION #											
1. CODE SECTION(S) 487 PC		2. CRIME(S) / CLASSIFICATION(S) Grand Theft				<input checked="" type="checkbox"/> OUTSIDE ASSIST <input type="checkbox"/> WARRANT SERVICE <input type="checkbox"/> CITIZEN'S ARREST													
3. DAY / DATE / TIME OCCURRED Wed/ 7-09-03 / 1800 to 1900hrs		4. DATE / TIME REPORTED 8/6/03 1500hrs		5. TIME DISPATCHED		6. TIME ARRIVED													
7. STATION OR OTHER LOCATION OF OCCURRENCE Fremont Bart Station						8. CITY Fremont													
9. NAME - LAST, FIRST, MIDDLE <input type="checkbox"/> V <input type="checkbox"/> W <input type="checkbox"/> R/P <input checked="" type="checkbox"/> S <input type="checkbox"/> I/P Grimes, Jerome		10. RACE/SEX		11. AGE		12. HT.		13. WT											
14. HAIR		15. EYES		16. D.O.B.		17. <table border="0"> <tr> <td><input type="checkbox"/> BOOKED</td> <td><input type="checkbox"/> DETOX</td> </tr> <tr> <td><input type="checkbox"/> JUV HALL</td> <td><input type="checkbox"/> 849(b)</td> </tr> <tr> <td><input type="checkbox"/> CITED</td> <td><input type="checkbox"/> GOA / UTL</td> </tr> <tr> <td><input type="checkbox"/> R&R</td> <td><input type="checkbox"/> OTHER</td> </tr> <tr> <td><input type="checkbox"/> RLSD. OIA</td> <td></td> </tr> </table>				<input type="checkbox"/> BOOKED	<input type="checkbox"/> DETOX	<input type="checkbox"/> JUV HALL	<input type="checkbox"/> 849(b)	<input type="checkbox"/> CITED	<input type="checkbox"/> GOA / UTL	<input type="checkbox"/> R&R	<input type="checkbox"/> OTHER	<input type="checkbox"/> RLSD. OIA	
<input type="checkbox"/> BOOKED	<input type="checkbox"/> DETOX																		
<input type="checkbox"/> JUV HALL	<input type="checkbox"/> 849(b)																		
<input type="checkbox"/> CITED	<input type="checkbox"/> GOA / UTL																		
<input type="checkbox"/> R&R	<input type="checkbox"/> OTHER																		
<input type="checkbox"/> RLSD. OIA																			
18. ADDRESS, PHONE, CLOTHING, IDENTIFYING MARKS						19. I.D. TYPE / #													
20. NAME - LAST, FIRST, MIDDLE <input type="checkbox"/> V <input type="checkbox"/> W <input type="checkbox"/> R/P <input type="checkbox"/> S <input type="checkbox"/> I/P		21. RACE/SEX		22. AGE		23. HT.		24. WT											
25. HAIR		26. EYES		27. D.O.B.		28. <table border="0"> <tr> <td><input type="checkbox"/> BOOKED</td> <td><input type="checkbox"/> DETOX</td> </tr> <tr> <td><input type="checkbox"/> JUV HALL</td> <td><input type="checkbox"/> 849(b)</td> </tr> <tr> <td><input type="checkbox"/> CITED</td> <td><input type="checkbox"/> GOA / UTL</td> </tr> <tr> <td><input type="checkbox"/> R&R</td> <td><input type="checkbox"/> OTHER</td> </tr> <tr> <td><input type="checkbox"/> RLSD. OIA</td> <td></td> </tr> </table>				<input type="checkbox"/> BOOKED	<input type="checkbox"/> DETOX	<input type="checkbox"/> JUV HALL	<input type="checkbox"/> 849(b)	<input type="checkbox"/> CITED	<input type="checkbox"/> GOA / UTL	<input type="checkbox"/> R&R	<input type="checkbox"/> OTHER	<input type="checkbox"/> RLSD. OIA	
<input type="checkbox"/> BOOKED	<input type="checkbox"/> DETOX																		
<input type="checkbox"/> JUV HALL	<input type="checkbox"/> 849(b)																		
<input type="checkbox"/> CITED	<input type="checkbox"/> GOA / UTL																		
<input type="checkbox"/> R&R	<input type="checkbox"/> OTHER																		
<input type="checkbox"/> RLSD. OIA																			
29. ADDRESS, PHONE, CLOTHING, IDENTIFYING MARKS						30. I.D. TYPE / #													
31. VEHICLE <input type="checkbox"/> VIC <input type="checkbox"/> SUS		32. YEAR		33. MAKE		34. MODEL		35. BODY											
36. COLOR(S)		37. LICENSE #		38. STATE															
39. WARRANT #		40. ISSUING COURT		41. HOLDING AGENCY		42. CHARGE(S)		43. BAIL											

Narrative:

On 7-09-03, at about 2200hrs, I was notified by Fremont Police Officer Amy Boyd that she wanted a video tape pulled on BART train car #1275 for evidence. I was able to track down the train car and replace the video tape the next day. I observed that the digital video recorder machine was not working properly because it was set in the wrong modes. I was able to fix the function modes. I viewed the tape and observed that the tape did not record on that day. I determined that the tape had no evidentiary value, so I recycled the video tape.

On 8-06-03, I was given a subpoena by Public Defender Investigator Diane Diew to bring all the video surveillance tapes at the Fremont BART station from 7-9-03. I notified Diew that the video tape did not have any evidentiary value because the video machine was not working properly and that it had been recycled. There were no other video cameras placed at the Fremont BART station at that time of the incident. No further action was taken.

REPORTING OFFICER(S) K. Dam J-214		RECORDING OFFICER J-214		DATE / TIME PREPARED 8/06/03 1500hrs		APPROVED BY:	
DISPOSITION: <input type="checkbox"/> PENDING <input checked="" type="checkbox"/> CLOSED <input type="checkbox"/> SUSPENDED <input type="checkbox"/> UNFOUNDED		COPIES TO: <input type="checkbox"/> DETECTIVES <input type="checkbox"/> TAG <input type="checkbox"/> SET <input type="checkbox"/> TRAFFIC <input type="checkbox"/> BART SAFETY <input type="checkbox"/> BART INSURANCE <input type="checkbox"/> OTHER: <input type="checkbox"/> FAXED TO:					

Kathleen Gilbert
02/17/04 10:33 AM

To: Peggy Watts/Ibb/Oak/Bart@BART
cc: Paul Liston/LMA/Oak/BART@BART, Lynette
Slaten/LMA/Oak/BART@BART
Subject: Re: State of CA vs. Jerome L. Grimes--Subpoena for Records

I left a voice message for you regarding Grimes' subpoena. We have identified the consist (run #) for car 1275 and I want to be sure that's what he's looking for as you probably know he asked for run #1275 and we do not have 4 digit run numbers. Car 1275 was on run 227 on July 9, 2003 and according to the arrival departure logs for that day, it arrived at Fremont at 1834 and departed at 1846 on time. However the OCC log shows an entry for 1833 hours for Train run number 225 at A-90 (Fremont) with a BART police hold. The departure log shows run #225 did not depart Fremont as scheduled at 1831 hours but was sent out of service back to Richmond.

Attachment #9

DATE: 7-9-03

47 06/09/2002

Page 2												
TRN	SCH	ACT	TRAIN	TRAIN OPERATOR	DEP	TRN	SCH	ACT	TRAIN	TRAIN OPERATOR	T.O.	REMARKS
ARR	ARR	ARR	OPER	NAME	RUN	DEP	DEP	DEP	OPER	NAME	RPT	
SIZE	TIME	TIME	JOB#		NO	SIZE	TIME	TIME	JOB#		TIME	
4	1641Y	/	YO	/	/	/	/	/	/	/	/	
4	1646	46	Da	I GARRETT	105	8	1654	51	TH49	B Gemignani		
	1649	(W)	TH33		233	6	1701	01	TH50	F BREMER		
8	1701	01	Db	S Louie	407	8	1709	09	TH52	R PINERO		
6	1704	(W)	TH35		235	6	1716	1646	TH63	T GUTZMAN	1630	
8	1716	1716	TPH5	D. SCARLAN	109	4	1724	24	TH53	W Robledo		
					108	4	1727Y	/		D SCARLAN		
6	1719	20	TH36		237	6	1731	31	TH65	L ALLEGRAVESKED	1645	
8	1731	31	TPH7	S Lee	111	4	1739	39	Da	I GARRETT		
					110	4	1742Y	/	TPH5	J Lee		
6	1734	36	TH37		239	6	1746	46	TH66	C YELL	1700	
8	1746	52	TH38	D VALLEY	113	4	1754	54	Db	S Louie		
					112	4	1757Y	/	TPH7	J FERNANDEZ		
8	1749	50	TH39		221	8	1801	01	TH68	M Aquilino	1715	
8	1801	/	TH41		115	8	1812Y	/	TH41	A CHUA		
6	1804	04	TH42		223	6	1816	16	TH69	A UJUZI	1730	
8	1816		TH44		117	8	1827Y	/	TH44	D VALLEY		
5	1819	(W)PU	Ra	B TURNER	225	5	1831	/	TH70	out of service	1745	Richmond
8	1831		TH45		101	8	1842Y		TH45			
5	1834		Rb	R JEW	227	5	1846	46	TH61	G Johnson	1615-10	REL 233

Harbinger I # 10

170-101 (REV. 5/01)

RENE DAVIDSON COURTHOUSE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA
CLERKS DOCKET AND MINUTES

DOCKET
1. NAME

DEPT. 513 CRT. DATE/TIME 8/05/04 09:05

EVENT
2. NAME

GRIMES, JEROME LENARD

RPT. NO. 030709072 DOCK NO. H34486

1. PROC. NDSM M M
COUNTS

CEN. 3267378

PFN. AWP416 A DAY 07/09/03 SJ DATE 2/14/05

PIC 00S00 AAG-FPD ACITY FR

1. CHARGES 1) F487(A) PC 2. PRS

STAT SET BAIL \$65,000.00

TOTAL DAYS IN CUSTODY: 394

1. BAIL STAT. BOND DT. BOND CO. DOB 05/23/66

BAIL STAT. BOND DT. BOND CO. BAC

1. FINE/REST. DATE PAID REC. NO SOUTH 1 TIME WAIVED TW

PROCEEDING

JUDGE ROBERT K KURTZ Gary Picetti

JCCO:

DEP. CLERK J. BARKER/B. HYATT

DEP. D.A. Disston, L

REPORTER DEBBRAH TRUJILLO Janelle Zepeda

DEF. ATTY. PRO. PER

OTHERS

☐ Not PresentDefendant: ☒ Present ☐ Not Present ☐ Excused ☒ In Custody ☐ Pro Per☐ Interpreter is present. Language spoken: _____☐ Defendant duly arraigned/advised as to constitutional rights ☐ Defendant waives arraignment ☐ Waiver of Rights filed☐ Defendant served: ☐ Complaint ☐ Discovery ☐ Petition ☐ Motion ☐ Protective Order (PC 136.2)☐ Referred to Public Defender ☐ Public Defender files conflict ☐ Financially ineligible ☐ Private counsel appointed☐ Plea Withdrawn ☐ Change of Plea ☐ Plea to count(s) ☐ Not Guilty ☐ Guilty ☐ No Contest/Found Guilty☐ Stipulates to: lesser included / reasonably related offense of count(s) to charge(s)☐ Time waived for: ☐ Preliminary Examination days ☐ Trial ☐ Sentence ☐ Time not waived ☐ Time waiver withdrawn☐ Clauses: ☐ Stricken ☐ Admitted ☐ Sentencing Purposes Only☐ Priors: ☐ Stricken ☐ Admitted ☐ Denied☐ Probation: ☐ Conditional Sentence: ☐ Granted for years/months ☐ See attached conditions☐ Revoked ☐ Restored ☐ Modified ☐ Extended to ☐ Continue on same terms and conditions ☐ Terminated☐ Defendant admits probation violation ☐ Previous order revoking probation vacated, set aside, defendant restored to probation☐ Submit to search and seizure of person, residence, vehicle or any property under defendant's control☐ No contact with / not to annoy directly or indirectly: stay at least away☐ Additional order(s):☐ Petition/Motion ☐ Granted ☐ Denied ☐ Withdrawn☐ Referred to: ☐ Probation Dept. ☐ Financial Hearing OfficerRestitution: ☐ Referred to for Determination ☐ Ordered ☐ Reserved ☐ Modified☐ Bail Forfeited ☐ Bail Forfeiture Set Aside ☐ Bail Reinstated ☐ Bail Exonerated ☐ Summary Judgment Entered☐ Bench Warrant: ☐ Issued ☐ Withheld ☐ Withdrawn ☐ Bail Set at \$ ☐ No Cite Release ☐ Night Service

2X

Matter Dismissed by Court Purs to Sect 1385 PC

FUTURE COURT DATES: 8/16/04 JT Vacate

1st Date: Time: Dept. Proc.: Date: Time: Dept. Proc.:

RPUS Codes:

DOCKET
NAME GRIMES, JEROME LENARD

CT. DATE 8/05/04 DOCK NO. H34486

Attachment # 11

§ 1385

DISMISSAL OF ACTION

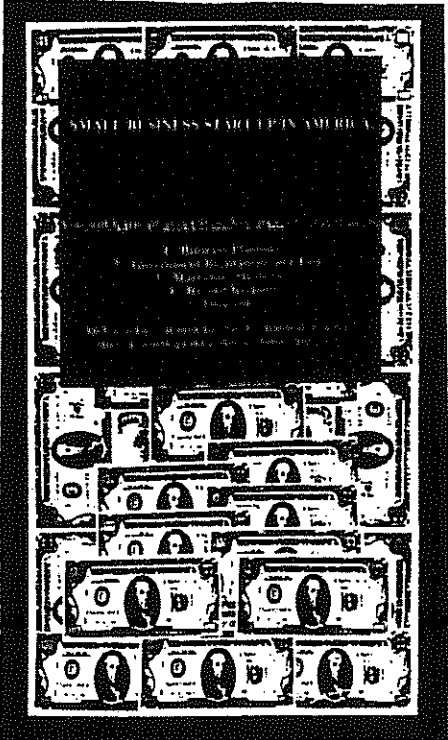
In determining whether there should be a dismissal in furtherance of justice pursuant to Pen. Code, § 1385, both the constitutional rights of the defendant and the interests of society represented by the People require consideration, and the reason for dismissal must be that which would motivate a reasonable judge. People v. Johnson (1984) 157 Cal App 3d Supp 1, 204 Cal Rptr 563.

Attachment # 1.2

Proof of:
Self-Employment
Videography Internet
Business

Your Price: \$20.00

We include written Record Keeping Model Sheets, and
 Public Relations Tips Sheets with every video.

FAST	FAST	FAST & EASY
<p>You will learn how to write a business plan, how to register your business to meet local, state, and federal requirements, how to market your product or service to the public,</p> <p>how to keep accurate records of your expenses and revenues, and how to get that extra cash to operate your business.</p> <p>You'll get a Solid Foundation in Small Business Start-Up in America!</p> <p>No Theory, No Technical Jargon, Just Plain Simple Language.</p>		<p>You're in Control!</p> <p>Go as fast or slow as you want, just fast forward or rewind.</p> <p>Video</p> <p>Video teaches you how to start a business fast.</p>

For a limited time this wholesale price available to the public.

ORDER FORM

Please Print				
Title	Date	Quantity	Price	Total
SUBTOTAL				
SHIPPING				
TOTAL				

Include \$2.50 postage and handling for each.

Name _____
 Address _____
 City/State/Zip _____ Phone _____

Please make check or money order payable to:
 AFRIKAN-AMERICAN ECONOMICS, BUSINESS, AND RE-EDUCATION

Attachment # 12

Georgia
GOVERNOR

DRIVER'S LICENSE
NUMBER **055194757** EXPIRES **05-23-2001**

GRIMES, JEROME L
2221 PTREE RD NE #310
ATLANTA, GA 30309

SEX	BIRTHDATE	EXAM DATE	COUNTY
M	05-23-1966	09-16-1997	060
HEIGHT	WEIGHT	FEET	RESTRICTIONS
6-01	150	6 52	15.00
CLASS	ENDORSEMENTS	TYPE	
C		REG	

Jerome L. Grimes
COMMISSIONER

SMALL BUSINESS START-UP IN AMERICA,

COLOR/Approx. 3 HOURS/8 MINUTES

Licensed only for non-commercial private exhibition in homes. Any public performances, either live, or copying is strictly prohibited. All rights under copyright reserved.

JEROME L. GRIMES



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**AFRIKAN-AMERICAN ECONOMICS
BUSINESS & RE-EDUCATION**
404-250-8056
2221 PEACHTREE RD. NE, STE. D-258
ATLANTA, GA 30309

64-7097/2610
0182001147

1075

DATE _____

PAY TO THE ORDER OF _____ \$ _____

DOLLARS

**Mutual Federal
Savings Bank**
Atlanta, GA

MEMO _____

4 26 10709761 0182001147 1075

SAFETY PAPER

Attachment # 14

EXHIBIT B

263 VERNON STREET
San Francisco, CA. 94132
In Padua, Attorney
"Naturalistic Safety First,"
"Children Safety And Welfare Program,"
HOME BASED BUSINESS OFFICE
(415) 584-1454(H.) (415) 624-5892(BUS.)
JEROME L. GRIMES,
Plaintiff,

6 V.

- 7 1. (BART) Bay Area Rapid Transit, (Transportation)
8 (Non-Police Agency)
9 2. VIVENCIO GONZAGA
10 (AKA: Vincent Flores) (BART Janitor 07/09/03 Civilian Employee)
11 3. Ken "Kenneth" Darn,
12 (Community Service Assistant, for BART) (07/09/03 Civilian Employee)
13 4. BRUCE TURNER,
14 (BART RU, V# 225, 07/09/03, 1819 hrs. (1806 hrs.) (07/09/03 Civilian Employee)
15 (Transport Benjamin Arnold Turner's, FASTER Relative/Co-Conspirator
16 07/12/06 Co-Chief
17 Production.)

16 Defendants

17 I. Jurisdiction

18 This civil complaint is made
19 under the jurisdiction of, U.S.C. 28,
20 "Grand Theft Mountain Bike Frame-Up
21 Penal Code 487, AT, Fremont Hub",
22 "Federal Penal Code 136.1(b) To Dissuade
23 And Intimidate The Plaintiff From
24 Prosecuting Civil Complaint Number:
25 CO2-0102CW, in the United States District Court,
26 Northern District of California, Entitled,
27 JEROME L. GRIMES
28

(Filed: January 08, 2002)
(Closed: October 28, 2004)

- V. 1. Deputy Caldito #1958
2. Deputy Im #1305
3. Deputy Fung #1422
4. Deputy Balmy #1587
5. Deputy Downes #1621
6. San Francisco County (1 of 11)

"SECOND AMENDED"
2nd Civil Complaint No.
See: CO2-3739 CW

Under, U.S.C. 28
"Grand Theft Frame-Up"
"Federal Penal Code 136.1(b)
Intimidating And Dissuading
Plaintiff's Federal Civil
Complaint Number:
CO2-0102CW

U.S. Dist. Ct., Northern Dis.
of CA.,
Grimes V. Caldito #1958
Im #1305
Fung #1422
Balmy #1587
Downes #1621
S.F. County Jail #1

Filed: 01/08/02
Closed: 10/28/04

"Hijacking/Kidnapping
With Terror Intent,
Simultaneously Violated
Federal Due Process Clause
OF: "Right To Liberty",
And, "Right To The
Preservation And
Production Of Exculpatory
EVIDENCE,
I.E., Video Surveillance,
Security Tapes, Onboard,
BART Train's Cars, RUW #:
225, July 09, 2003, 1819 hrs.
(1806 hrs.) (Actual)
Richmond Boulevard, AT,
Fremont BART Station."

1 "Hijacking/Covert Kidnapping With
 2 Federal Due Process of Law,
 3 Violation, of, Plaintiff's,
 4 "Right To Liberty", And, "Right
 5 To The Preservation And
 6 Production of Exculpatory/
 7 Exonerating Evidences, i.e.,
 8 Video Surveillance Security
 9 Tapes, (multiple videotapes)
 10 Onboard, Interior BART Train's Cars, RUN#: 225,
 11 July 09, 2003, 1819hrs. (1806hrs.)
 12 Delayed, At The (Alleged) (Actual) Richmond Bound, Intentionally-
 13 guaranteed by the, Sixth Amendment Rights, And, Fourteenth
 14 Amendment Rights, of the U.S. Constitution, "Conspiracy",
 15 "Covert Post-09/11/01 Terrorism", "Covert PRE-03/11/04 -
 16 Madrid, Spain, Train's, multiple, Remote Control Bombings Terror-
 17 And, "Covert Child Abduction of Cameo (Co-Production's Foster last, v. me.)
 18 Birth Certificate Fraud At Birth (Vital Records Fraud planned/
 19 Premeditated/Conspired In The 1970's [See: 11/18/22 Covert Terror.]")
 20 II. Plaintiff

21 The plaintiff resides at, 263 Vernon Street,
 22 San Francisco, California 94132, since, His Birth, in, 1966,
 23 and this place of Residence is, His, Home BASE BUSINESS OF THE
 24 of, Sole-Proprietorship, (DBA:) Doing Business As:
 25 "Too Sweet To Beat These Video Productions," since, March 1000.
 26
 27
 28

Sixth Amendment Right:
 And, Fourteenth Amendment
 Rights, VIOLATION, of the
 U.S. Constitution,
 "Conspiracy", Child Abduction
 July 12, 1986, of - Newborn,
 Cameo Turner <sup>← Vital Records Fraud
Premeditated
See: Black Type
Coincidence of, me
And, Benjamin A. Turner
(Foster last)</sup>
 "Covert. Post-09/11/01 Terrorism",
 And, Covert PRE-03/11/04 Terrorism.

1 and also, HOME BASED BUSINESS OFFICE, of, Sole-Proprietorship
2 (DBA:) Doing Business As: Futuristic Safety First, "Children Safety And
3 Welfare Program", since, February, 1999.

4 III. Defendants

5 The defendants ^[Resided] ~~Resides~~ in, Northern California, and
6 on the, Date of Federal Law Causes of Actions:
7 July 09, 2003, were, "ALL", Civilian Employees,
8 Employed by, (BART) Bay Area Rapid Transit, located at:
9 306 Lakeside Street, Oakland, California 94612.

11 IV. Causes of Action

12 On, July 09, 2003, Defendant #4, Bruce Turner
13 while, On-Duty, BART Train Driver, Driving, RUN#: 225,
14 07/09/03, ^{1819 hrs. (1806 hrs.)} ~~(1819 hrs.)~~ ^(Actual) ~~(Alleged)~~, Richmond Bound, "Intentionally,
15 DELAYED, Willfully, with Premeditated Aforethought,
16 His, said, BART Train, so that the, Onboard,
17 plaintiff, could be, Covertly Kidnapped, and, Framed Up,
18 for a, Crime of Grand Theft, Penal Code 487, Dirty Trick-
19 Down Coded Triable Robbery, Penal Code 212.5(b), with
20 Double Prison Time Exposure Due to Strikable Offense At
21 Jury Trial. This, Frame-Up, was, Co-Conspired, by:
22 Defendant #4, Bruce Turner's, Crimes, Shane Overton, in
23 victim disguise in Bicycle Transportation Industry, and,
24 Charrel Malone, PFN: APK014, CDC#: H-58892, in thug disguise,
25 who, Actually committed, Grand Theft Mountain Bike,
26 SIMULTANEOUSLY, at, Performance Bicycles, located at Perst,
27 (6) six, miles away, from this above mentioned, Framed Robbery,
28 (3 of 11)

1 (Performance Bicycles, 3912 ^(Holloway Street) Fremont Hub, Fremont, CA. 94538)

2 The evidence of this herein, Conspiracy, was
 3 captured on, Video, in the, Interior, Onboard, BART
 4 Trains' Cars, RUN#: 225, July 09, 2003, (1819 hrs.) (1806 hrs.)
 5 Video Surveillance Security Tapes, which were,
 6 Deliberately, Intentionally, with Aforethought, "Hidden",
 7 Concealed, and, Suppressed, with, Official Animus, not in
 8 accord to, BART's, normal, Videotapes, preservation policy
 9 and committed by, Defendant #3, Kenneth "Ken" Dam,
 10 who was a, Civilian Community Service Assistant, Garfield
 11 Detail, NOT, Authorized, to handle, BART Trains' Cars Video
 12 Surveillance Security Tapes, on, July 09, 2003.
 13 Defendant #2, Virencio Gonzaga, on, Video Surveillance

14 Security Tape(s), ONBOARD, BART Train's Cars, RUN#: 225,
 15 07/09/03, (1819 hrs.) (1806 hrs.)
 16 ^(Alleged) ^(Actual) Richmond Bound, at the,
 17 Fremont BART station, Fremont, California 94538,

18 while the, Grand Theft Mountain Bike Frame-Up
 19 Piece-moll, was, SIMULTANEOUSLY, being, Committed,
 20 by, His, Co-Conspirators, at, Performance Bicycles Store,
 21 "Asked" the plaintiff to move to the, Rear, of the,
 22 BART Train's Cars (RUN#: 225), AWAY, from, Co-Conspirator

23 Defendant #4, Bruce Turner's, BART Train Driver Front
 24 Operator Compartment (Bruce Turner, Accomplice, in the, July 12, 1991
 25 Child Abduction of ^(Elizabeth Turner) ^(Fremont 4th. Name At Birth Premeditated) ^(Elizabeth Turner)
 26 Biological Daughter, STOLEN, at, Birth, through, Prescribed
 27 Vital Records Fraud (Birth Certificate Falsification), by,
 28 (4 of 11)

1 Defendant #4, Bruce TURNER, and, His, FOSTER-
2 Relative, Co-Conspirator, Benjamin Arnold TURNER, and,
3 Co-Conspirator, Maria PARKER, (Cross-Check Chromosomes)
4 (Civil Complaint No. 5:
5 CO5-1485CW), and,
6 CO5-1583CW.)

7 Defendant #2, Vivencio Gonzaga, also had the
8 need to herd the plaintiff to the REAR, LAST,
9 BART Train's CAR, BLOCKING, for the, SOLE-PURPOSE,
10 of the, Conspired, ^{Actual Grand Theft Perpetrator, Charles Malone} Grand Theft Mountain Bicycle
11 Frame-Up, Penal Code 487, to, Kidnap/Coverly Hijack,
12 the plaintiff's person, through, Intentional Liberty
13 Deprivation And Continuous False Imprisonment Headship
14 Of, (403) Four Hundred And Three, Days, using, Highly
15 Sophisticated, Post-09/11/01 Transportation Terror modis Operandis
16 DELAYING, TIMING, and, Calculating, while, DELAYING
17 OF AT LEAST, (100) One Hundred, BART Train's Passenger, on,
18 July 09, 2003, 1806 hrs., while, and, to, SIMULTANEOUSLY,
19 Injure/Kidnap/Coverly Hijack, The plaintiff, to,
20 Intimidate And Dissuade, the plaintiff, to,
21 Civil Complaints, in, Federal Civil Court Numbers:
22 CO2-0102CW, and, CO3-1841CW.
23 (Cross-Check Defendants' DNA Chromosomes In This Herein
24 Civil Complaint And Compare To The Defendants' DNA
25 Chromosomes, in, Civil Complaint Number: CO2-0102CW)
26 (DNA: Turner-To-Galmy-To-Rivera-To-Diaw-To-
27 To-Lai-To-Fung-To-
28 To-Wo-To-Im-To-
Ch-To-
(5 of 11)

These, On-Duty, Defendants, Civilian Employees,
ACTIONS, on, July 09, 2003, HOLDS, their, Employer,
Defendant #1, (BART) Bay Area Rapid Transit, "Liability",
for their employees, malicious, Deliberate, Cruel,
Terrorist Actions, Premeditated, with official animus,
against the plaintiff, who they knew, was, Bailing-Out,
of the, Elmhurst Complex, Santa Clara County Jail, on
this, said, Date of: July 09, 2003, which would lead,
the plaintiff to the, VTA 180 Express Bus Route, in
Route to the, Arresting, U.C. Berkeley Jail Facility,
in the, County of Alameda, via, Fremont BART Station -
to - Berkeley BART Station, in the, County of Alameda,
to, Pick-Up, His, (plaintiff's) Personal Property, i.e., Back Pack,
Legal materials, House Keys, Etc., Confiscated, COINCIDENCE,
by the, Arresting, U.C. Berkeley Police Officer, ARENAS #1,
in the, City of Berkeley, on, University Campus, for the,
Santa Clara County Arrest Warrant (#BB153633), and
above mentioned Resulting, Bail Bond, Expenses/Damages,
Etc., Posted, on, July 09, 2003, (07/09/03), just, (2) Two,
Hours, prior to this herein, Highly Sophisticated,
Criminal Frame-Up, by the defendants, much worse than
a, Slip And Fall Injury onboard BART Premeditated
Against The Plaintiff.
V. PREVIOUS Lawsuits
1. Jerome L. Grimes V. Kamala Duplessis
(EX-BART Police Officer #1)

U.S. District Court, Northern District of California
Civil Complaint No.: C03-1841GW
Filed: April 23, 2003 (6 of 11)

2. JEROME L. GRIMES V. 1. Radio Shack,
2. Mr. Huynh,
3. Mr. Hoang,
4. Mr. Wifeller
(cross-check chromosomes)
U.S. District Court, Northern District of California
Civil Complaint No.s: CO6-3144CW, CO2-4678CW,
CO3-4337CW, CO3-4544CW, CO5-4722CW, CO3-5456CW
3. JEROME L. GRIMES V. Tony Lee Wong, R. Martha Flores,
U.S. District Court, Northern District of California
Civil Complaint No.s: CO2-5670CW, CO3-0175CW, CO2-5671CW
4. JEROME L. GRIMES V. Shane Overton, Linda Mallock,
Deputy Montgomery #444, Jackie Robinson,
Miles Mallock, Chadel Malone,
Performance Bicycles,
U.S. District Court, Northern District of California
Civil Complaint No.s: CO3-4217CW, CO6-7148CW
5. JEROME L. GRIMES V. Deputy Cildito #1458, Deputy Inn #1305,
Deputy Balmey #1587, Deputy Fung #122,
Deputy Dammes #1621,
U.S. District Court, Northern District of California
Civil Complaint No.: CO2-0102CW (Filed: January 08, 2002)
6. JEROME L. GRIMES V. Ken Damm, Bruce Turner,
BART Detective, Parker #1222,
Kamala Douglas #1222, Sgt. Forehand #122,
Virencio Gonzaga, BART Detective/Huddleston #122,
U.S. District Court, Northern District of California
Civil Complaint No.s: CO4-4691EDL, CO3-3739CW

VI. Remedy Exhausted

A diversified group of individuals have entered these institutions with the intent to try to obtain immunity from prosecution, WHEN, not, IF, they get caught for their, premeditated, Highly Sophisticated, Crazy, Coincidental, Cooky, Exploitive, Suicidal, Terrorist Acts, against the plaintiff, against the plaintiff's, Families, Network, Prospective Investors, Etc., as well as, against, Other, Citizens, and, Tourists, at, Home, and, Abroad. And it is a known, FACT, that these diversified group of individuals will, NEVER, admit to a, Conspiracy.

VII. Relief Requested

An injunction preventing these defendants from working in the, "Transportation Industry", "Hobby Craft-Remote CONTROL - Technologies Industry", "Law Enforcement", "Medical And Dental Health - Care Professions", "Hotel, Motel, Resort, And, Real-Estate Professions", "Food And Water Chain Industries", "Child Day Care Professions", "Elderly And Nursing-Home Health Care Professions", "Foster And Mentally-Challenged Home Health Care Professions", "Census Collecting Process", and, "Vital Records Clerical Processing And Data Entry Professions At Home And Abroad".

1 A, Court Order, for the defendants to be,
2 Lie Detector Tested, as an, Anti-Terrorism Measure
3 to ascertain their involvement in, Post-09/11/01 Terrorisms,
4 and these, Federal Law Causes of Actions, including
5 but not limited to, Pre-09/11/01 Terrorisms, such
6 as the Premeditated, July 12, 1986:
7 (10/31/85 Halloween Night) [7 months] Abducted Child D.O.B. [17 of 9 months Conspiracy]
8 October 31, 1985 - To - July 12, 1986;

9 Abduction of: Cameo (female) (TURNER) (Fraudulent Last Name Given At Birth Although
10 (Plaintiff's Abducted Biological Child) (D.O.B. : 07/12/86 (July 12, 1986))
11 (Prenatal Child Production Viral Records Fraud With
12 (Prenatal Child Production Viral Records Fraud With
13 (Prenatal Child Production Viral Records Fraud With
14 (Prenatal Child Production Viral Records Fraud With
15 (Prenatal Child Production Viral Records Fraud With
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27 (Prenatal Child Production Viral Records Fraud With
28 (Prenatal Child Production Viral Records Fraud With

Punitive Damages: \$ 3,100,000.00 (Three Million
One Hundred Thousand Dollars)

Damages: \$ 1,713,000.00 (One Million Seven Hundred
Thirteen Thousand Dollars) which
And Thirteen Thousand Dollars, per day, at:
includes, but not limited to, Capital/Self-
Employment Wages, LOST, (403) Four Hundred and Three
\$ 3,000.00 (Three Thousand Dollars), at:
for a total of: (403) Four Hundred and Three
Days, of, Continuous False Imprisonment Hardship,
Covertly Kidnapped, at a time the, In Proper Plaintiff
Jerome L. Grimes, would have been, Prospective
EARNING: \$ 3,000.00 (Three Thousand Dollars) per day.

On, His, Internet Website Home Based Business:
 Small Business Start-Up Video, SELLS, (DBA: Doing Business
As: "Too Sweet To Beat These Video Productions", while,
 Continuing To Live His Life, while exercising, His,
 "Right To The Pursuit Of (International) Happiness",
 doing business on the, World Wide Web Computer
 Internet Systems, as a, Videographer, producing,
 advertising, marketing, Retailing, and, wholesale
 selling, His, Self-Produced, Works-Of-Art: Small
 Business Start-Up Video Productions, as well as,
 Health, Fitness, And, Nutrition Video Productions.
 This, \$1,713,000.00 (One million seven
 Hundred And Thirteen Thousand Seven
 includes, Injuries/Expenses Incurred, of:
 \$250.00 (Two Hundred And Fifty Dollars), of:
 for, In Proper-Attorney Labor Fees: (12) Twelve,
 Hours, Per Day, (6) Six, Days, Per Week, for a
 total of: (38) Thirty Eight, Weeks In-Custody Framed
 Up Illegal False Imprisonment/Kidnapped/Post-09/11/01
 Hijacked, Equalling monetary costs, of: \$504,000.00
 (Five Hundred And Four Thousand Dollars).
 And in, Defendant #2, Virencio Gonzaga's,
 individual capacity: \$150,000.00 (One Hundred And
 Fifty Thousand Dollars).

And in, Defendant #3, Kenneth "Ken" Davis, in D.
 (10 of 11)

1 Capacity: \$210,000.00 (Two Hundred And Ten
2 Thousand Dollars). BART Civilian Identification -
3 And in; Defendant #4, BRUCE TURNER's, individual
4 Capacity: \$300,000.00 (Three Hundred Thousand Dollars)
5
6
7
8
9
10

11 Dated: May 16, 2007

12 Jerome L. Grimes
13 Jerome L. Grimes
14 Plaintiff, In Proper,
15 And,
16 Director/Producer of:

17 "Too Sweet To Beat This Small Business Start-Up Crash Course-
18 Video Production")
19 And,
20 "Too Sweet To Beat This Healthy, Fitness, And, Nutrition-
21 Video Production")
22 And,
23 Director of:

24 "Children's Futuristic Safety First,
25 (1977-02/10/84) And Welfare Program")
26 (10/31/85 Halloween Night)
27 (11/27/02 Thanksgiving Day)
28 (07/11/01)
(12/27/04 Two(2) Days After Christmas)
(07/12/86 D.O.B.)
(11 of 11)

MAY 30 2007

Proof of Service

DISTRICT SECRETARY'S OFFICE

JEROME L. GRIMES,
Plaintiff,

v.

Civil Complaint No.
C07-80138CW [misc.]

1. (BART) Bay Area Rapid Transit, (Non-Police Agency)
 2. Virencio Gonzaga,
 3. Kenneth "Ken" Dam,
 4. Bruce Turner,
- Defendants.

Received by:
Jacqueline R. Edwards
Deputy Asst. Dist. Sec.
05/30/07
1551 hrs.

I, JEROME L. GRIMES, certify that on,

May 30, 2007, I did personally deliver and serve
the below mentioned documents to:

(BART) Bay Area Rapid Transit
Non-Police Agency
300 Lakeside Avenue
Oakland, CA. 94612

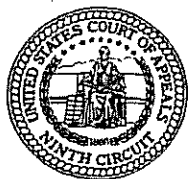
Documents:

1. Original Civil Complaint #: C07-80138CW, misc., Filed, May 30, 2007
2. Notice of Demand, for, Civil Monetary Settlement In-
Lieu of Civil Summons And Prosecution In The
U.S. District Court.
3. Proof of Service.

I declare under the penalty of perjury that the
foregoing is true and correct.
263 Vernon St., S.F., CA. 94132
(415) 584-1454 (H.) (415) 624-5892 (Bus.)

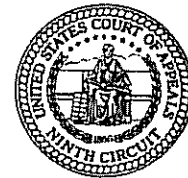
Jerome L. Grimes
Jerome L. Grimes

EXHIBIT C



Cathy A. Catterson
Clerk of Court

Office of the Clerk
United States Court of Appeals for the Ninth Circuit
95 Seventh Street
Post Office Box 193939
San Francisco, California 94119-3939



(415) 355-8000

May 15, 2007

USDC, San Francisco
Northern District of California (San Francisco)
Federal Building
P.O. Box 36060
San Francisco, CA 94102

No.	Title	Agency/D.C. No.
05-16839	Grimes v. BART	CV-04-04691-EDL

Dear Clerk:

The following document in the above listed cause is being sent to you under cover of this letter.

- *Certified copy of the Decree of the Court*

The record on appeal will follow under separate cover. Please acknowledge receipt on the enclosed copy of this letter.

Very truly yours,

Cathy A. Catterson
Clerk of Court

By: Howard Horn
Deputy Clerk

Enclosure(s)
cc: All Counsel

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JEROME L. GRIMES,

Plaintiff - Appellant,

v.

BAY AREA RAPID TRANSIT, Police
Department; et al.,

Defendants - Appellees.

No. 05-16839

D.C. No. CV-04-04691-EDL

JUDGMENT

Appeal from the United States District Court for the Northern District of California (San Francisco).

This cause came on to be heard on the Transcript of the Record from the United States District Court for the Northern District of California (San Francisco) and was duly submitted.

On consideration whereof, it is now here ordered and adjudged by this Court, that the judgment of the said District Court in this cause be, and hereby is **AFFIRMED**.

Filed and entered Wednesday, January 17, 2007

Lesley L. Novotny Esq.
LOW BALL & LYNCH
7th Fl.
505 Montgomery St.
San Francisco, CA 94111-2584

hh
05-16839

FILED

MAY 07 2007

CATHY A. GATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

JEROME L. GRIMES,

Plaintiff - Appellant,

v.

BAY AREA RAPID TRANSIT, Police
Department; et al.,

Defendants - Appellees.

No. 05-16839

DC # CV-04-04691-EDL
Northern California
(San Francisco)

ORDER

Before: ALARCÓN, HALL, and PAEZ, Circuit Judges

The petition for panel rehearing is denied.

No further filings will be accepted in this closed case.

FILED

JAN 17 2007

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

JEROME L. GRIMES,

Plaintiff - Appellant,

v.

BAY AREA RAPID TRANSIT, Police
Department; et al.,

Defendants - Appellees.

No. 05-16839

D.C. No. CV-04-04691-EDL

MEMORANDUM*

Appeal from the United States District Court
for the Northern District of California
Elizabeth D. Laporte, Magistrate Judge, Presiding **

Submitted January 8, 2007 ***

Before: ALARCÓN, HALL, and PAEZ, Circuit Judges.

Jerome L. Grimes appeals pro se from the district court's summary judgment in favor of defendants in his 42.U.S.C. § 1983 action alleging

* This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

** The parties consented in writing to proceed before a magistrate judge.

*** The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

defendants violated his due process rights by failing to preserve exculpatory evidence in the form of a video surveillance tape. We have jurisdiction under 28 U.S.C. § 1291. We review de novo, *Buono v. Norton*, 371 F.3d 543, 545 (9th Cir. 2004), and we affirm.

The district court properly concluded that Grimes failed to create a triable issue as to whether defendants' destruction of the surveillance videotape amounted to a due process violation, because the evidence shows Grimes could have obtained exculpatory evidence by other reasonably available means, and Grimes failed to demonstrate that defendants acted in bad faith. *See United States v. Cooper*, 983 F.2d 928, 931 (9th Cir. 1993) (stating requirements for due process claims arising from the government's failure to preserve evidence).

Because the district court properly dismissed Grimes's 42 U.S.C. § 1983 claim, the court did not abuse its discretion in declining to exercise supplemental jurisdiction over the remaining state law claims pursuant to 28 U.S.C. § 1367(c)(3). *See Warren v. Fox Family Worldwide, Inc.*, 328 F.3d 1136, 1143 n.7 (9th Cir. 2003).

Grimes's remaining contentions lack merit.

AFFIRMED.

3/15/07
(P) **FILED**

NOT FOR PUBLICATION

JAN 17 2007

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

JEROME L. GRIMES,

No. 05-16839

Plaintiff - Appellant,

D.C. No. CV-04-04691-EDL

v.

MEMORANDUM*

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Defendants - Appellees.

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